IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10488 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KARAMSHI HAMIRJI GOL - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR JAYANT P BHATT for Petitioner(s) : 1 - 21.
MR LB DABHI, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 03/02/2006

ORAL JUDGMENT

1. The petitioners, in all 21, have filed this petition under Article 226 of the Constitution of India, praying for quashing and setting

aside the orders / letters dated 12.8.1991, 10.8.1992 and 10.8.1994 and notices of eviction issued in this respect. The petitioners have also prayed for the declaration that the petitioners are entitled to like other permanent Govt. employees, the benefit of Govt. residential accommodation.

2. The petition was admitted and ad interim relief in terms of para19(D) was granted. By virtue of the said ad interim relief, the respondents were restrained from evicting the petitioners from the residential quarters and then further restrained from implementing and executing and enforcing the notices issued by them.

3. Mr.J.P.Bhatt, learned advocate appearing for the petitioners has submitted that the similar issue has come for consideration before

this Court in Special Civil Application No. 11071 of 1993. The Court has granted interim relief as prayed for. Letters Paten Appeal was preferred against the said interim order being LPA No.380/1994. The said LPA also came to be dismissed by an order dated 11.8.1994. Subsequently, the said Special Civil Application No. 11071 of 1993 was dismissed by the learned Single Judge of this Court against which LPA No.1134 of 1997 was preferred and the Division Bench of this Court vide its order dated 10.3.2004 has allowed the said LPA and observed that the petitioners are entitled to all the benefits available to permanent employees of the State Government under the Government Resolution dated 17.10.1988 and no order diluting / reversing the same can/could be passed by any other authority/functionary of the State Government. The Court has also quashed the communication/order dated

12.8.1991. The petitioners were held to be entitled to all the benefits given to other permanent Government employees, which were made available to them by the respondent.

4. In view of the aforesaid decision of the Division Bench of this Court in LPA No.1134/1997, the present petition is accordingly allowed. The impugned communication/order dated 12.8.1991 and subsequent notices issued are quashed and set aside and the petitioners are held to be entitled to benefits of Government residential accommodation as other permanent Government employees are entitled to.

5. With the above observation this petition is disposed off. Rule is made absolute without any order as to costs.

(K. A. PUJ, J.)

kks